

# Notice of Allowability

Application No.

09/721,484

Examiner

Mark Fadok

Applicant(s)

MANOLIS ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI decision 2/12/2007 and amendment 3/20/2007.
2. ☒ The allowed claim(s) is/are 31-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 3/21/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance.
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

The examiner is in receipt of applicant's amendment received 3/20/2007, which was resultant of an interview to discuss the Board of Appeals decision reversing and remanding the case back to the examiner (see **Board of Appeals decision 2006-1703** mailed 2/12/2007). The examiner has carefully considered applicant's amendment and finds it persuasive. Therefore the following reasons for allowance are provided:

### *Examiner's Amendment*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bao Tran on 3/21/2007.

**CANCEL**  
*En* ~~Delete~~ claims 1-30

### Reasons for Allowance

**Claims 31-64 are allowed.**

Independent claims 31 and 55 contain the following allowable subject matter:

The present invention is a method for selecting photographs and placing them in an envelope will be sent to a recipient. After the selections are made an orders detail button displays a listing of the enclosed photos along with information regarding the print criteria, inter alia; providing an order details button for the one or more envelopes, the order details button operable to display, when invoked, an envelope summary including a thumbnail representation each digital image selected for an image print, an image print size, and an image print quantity.

### **Most Pertinent Art**

#### **Patents**

(i) US Patent (6,873,971) to Tackbary et al teaches envelopes that are filled with selected gift cards. Tackbary, however, fails to render the instant claims obvious because Tackbary does not teach after selecting the details button a representation is provided of and image, an image print size, and image print quantity.

(ii) US Patent (6,629,079) to Speigel, teaches placing images in a shopping cart. Speigel, however, fails to render the instant claims obvious.

(iii) US Patent (5,359,387) to Hicks, teaches matching photos to print size selections. Hicks, however, fails to render the instant claims obvious.

### **Foreign Patents**

(iv) JP410124492A to Saito, teaches using the print image of a document to select it for purchase. Saito, however, fails to render the instant claims obvious.

### **Non-Patent Literature**

(v) Ojeda-Zapata teaches clicking on photos to make a selection for purchase. Saito, however, fails to render the instant claims obvious.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**.

The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

Alexandria, Va. 22313-1450

or faxed to:

Art Unit: 3625

**571-273-8300**

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Fadok

Primary Examiner